

House File 2591 - Enrolled

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HOUSE FILE 2591

AN ACT

RELATING TO DEPENDENT ADULT ABUSE IN CERTAIN FACILITIES AND
PROGRAMS AND PROVIDING PENALTIES.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

Section 1. Section 235B.1, subsection 4, paragraph a,
subparagraph (3), Code 2007, is amended to read as follows:
(3) Receive and review recommendations and complaints from
the public, health care facilities, and health care programs
concerning the dependent adult abuse services program.

Sec. 2. Section 235B.1, subsection 4, paragraph b,
subparagraph (1), Code 2007, is amended to read as follows:

(1) The advisory council shall consist of ~~ten~~ twelve
members. Six members shall be appointed by and serve at the
pleasure of the governor. Four of the members appointed shall
be appointed on the basis of knowledge and skill related to
expertise in the area of dependent adult abuse including
professionals practicing in the disciplines of medicine,
public health, mental health, long-term care, social work,
law, and law enforcement. Two of the members appointed shall
be members of the general public with an interest in the area
of dependent adult abuse and two of the members appointed
shall be members of the Iowa caregivers association. In
addition, the membership of the council shall include the
director or the director's designee of the department of human
services, the department of elder affairs, the Iowa department
of public health, and the department of inspections and
appeals.

Sec. 3. Section 235B.2, subsection 5, paragraph a,
subparagraph (3), unnumbered paragraph 1, Code 2007, is
amended to read as follows:

~~Sexual exploitation of a dependent adult who is a resident
of a health care facility, as defined in section 135C.1, by a
caretaker providing services to or employed by the health care
facility, whether within the health care facility or at a
location outside of the health care facility by a caretaker.~~

Sec. 4. Section 235B.3, subsection 1, paragraph a, Code
Supplement 2007, is amended to read as follows:

a. The department shall receive dependent adult abuse
reports and shall collect, maintain, and disseminate the
reports by establishing a central registry for dependent adult
abuse information. The department shall evaluate the reports
expeditiously. However, the department of inspections and
appeals is solely responsible for the evaluation and
disposition of dependent adult abuse cases within ~~health care~~
facilities and programs pursuant to chapter 235E and shall
inform the department of human services of such evaluations
and dispositions pursuant to section 235E.2.

Sec. 5. Section 235B.3, subsection 2, paragraph a, Code
Supplement 2007, is amended to read as follows:

a. A member of the staff of a community mental health
center, ~~a member of the staff of a hospital, a member of the
staff or employee of a public or private health care facility
as defined in section 135C.1, a member of the staff or
employee of an elder group home as defined in section 231B.1,
a member of the staff or employee of an assisted living
program certified under section 231C.3, and a member of the
staff or employee of an adult day services program as defined
in section 231D.1.~~

Sec. 6. Section 235B.3, subsection 13, Code Supplement
2007, is amended to read as follows:

13. The department of inspections and appeals shall adopt
rules which require ~~licensed health care facilities or~~
programs to separate an alleged dependent adult abuser from a
victim following an allegation of perpetration of abuse and
prior to the completion of an investigation of the allegation.

Sec. 7. Section 235B.5, subsection 5, Code 2007, is
amended to read as follows:

5. An oral report of suspected dependent adult abuse
initially made to the central registry regarding a ~~health care~~

3 4 facility or program as defined in section 235E.1 shall be
3 5 transmitted by the department to the department of inspections
3 6 and appeals on the first working day following the submitting
3 7 of the report.

3 8 Sec. 8. Section 235B.6, subsection 2, paragraph c,
3 9 subparagraphs (1) and (4), Code Supplement 2007, are amended
3 10 to read as follows:

3 11 (1) A licensing authority for a facility, including a
3 12 facility or program defined in section 235E.1, providing care
3 13 to an adult named in a report.

3 14 (4) The legally authorized protection and advocacy agency
3 15 recognized pursuant to section 135C.2 if a person identified
3 16 in the information as a victim or a perpetrator of abuse
3 17 resided in or receives services from a facility, including a
3 18 facility or program defined in section 235E.1, or agency

3 19 because the person is diagnosed as having a developmental
3 20 disability or a mental illness.

3 21 Sec. 9. Section 235B.6, subsection 2, paragraph d,
3 22 subparagraph (3), Code Supplement 2007, is amended to read as
3 23 follows:

3 24 (3) An expert witness or a witness who testifies at any
3 25 stage of an appeal necessary for correction of dependent adult
3 26 abuse information as provided in section 235B.10.

3 27 Sec. 10. Section 235B.16, subsection 5, paragraphs b, f,
3 28 g, and i, Code Supplement 2007, are amended to read as
3 29 follows:

3 30 b. A person required to report cases of dependent adult
3 31 abuse pursuant to ~~section~~ sections 235B.3 and 235E.2, other
3 32 than a physician whose professional practice does not
3 33 regularly involve providing primary health care to adults,
3 34 shall complete two hours of training relating to the
3 35 identification and reporting of dependent adult abuse within
4 1 six months of initial employment or self-employment which
4 2 involves the examination, attending, counseling, or treatment
4 3 of adults on a regular basis. Within one month of initial
4 4 employment or self-employment, the person shall obtain a
4 5 statement of the abuse reporting requirements from the
4 6 person's employer or, if self-employed, from the department.
4 7 The person shall complete at least two hours of additional
4 8 dependent adult abuse identification and reporting training
4 9 every five years.

4 10 f. A licensing board with authority over the license of a
4 11 person required to report cases of dependent adult abuse
4 12 pursuant to ~~section~~ sections 235B.3 and 235E.2 shall require
4 13 as a condition of licensure that the person is in compliance
4 14 with the requirements for abuse training under this
4 15 subsection. The licensing board shall require the person upon
4 16 licensure renewal to accurately document for the licensing
4 17 board the person's completion of the training requirements.
4 18 However, the licensing board may adopt rules providing for
4 19 waiver or suspension of the compliance requirements, if the
4 20 waiver or suspension is in the public interest, applicable to
4 21 a person who is engaged in active duty in the military service
4 22 of this state or of the United States, to a person for whom
4 23 compliance with the training requirements would impose a
4 24 significant hardship, or to a person who is practicing a
4 25 licensed profession outside this state or is otherwise subject
4 26 to circumstances that would preclude the person from
4 27 encountering dependent adult abuse in this state.

4 28 g. For persons required to report cases of dependent adult
4 29 abuse pursuant to ~~section~~ sections 235B.3 and 235E.2, who are
4 30 not engaged in a licensed profession that is subject to the
4 31 authority of a licensing board but are employed by a facility
4 32 or program subject to licensure, registration, or approval by
4 33 a state agency, the agency shall require as a condition of the
4 34 renewal of the facility's or program's licensure,
4 35 registration, or approval, that such persons employed by the
5 1 facility or program are in compliance with the training
5 2 requirements of this subsection.

5 3 i. For persons required to report cases of dependent adult
5 4 abuse pursuant to ~~section~~ sections 235B.3 and 235E.2 who are
5 5 employees of state departments and political subdivisions of
5 6 the state, the department director or the chief administrator
5 7 of the political subdivision shall ensure the persons'
5 8 compliance with the training requirements of this subsection.

5 9 Sec. 11. NEW SECTION. 235E.1 DEFINITIONS.

5 10 As used in this chapter, unless the context otherwise
5 11 requires:

5 12 1. "Caretaker" means a person who is a staff member of a
5 13 facility or program who provides care, protection, or services
5 14 to a dependent adult voluntarily, by contract, through

5 15 employment, or by order of the court.
5 16 2. "Court" means the district court.
5 17 3. "Department" means the department of inspections and
5 18 appeals.
5 19 4. "Dependent adult" means a person eighteen years of age
5 20 or older whose ability to perform the normal activities of
5 21 daily living or to provide for the person's own care or
5 22 protection is impaired, either temporarily or permanently.
5 23 5. a. "Dependent adult abuse" means:
5 24 (1) Any of the following as a result of the willful
5 25 misconduct or gross negligence or reckless acts or omissions
5 26 of a caretaker, taking into account the totality of the
5 27 circumstances:
5 28 (a) A physical injury to, or injury which is at a variance
5 29 with the history given of the injury, or unreasonable
5 30 confinement, unreasonable punishment, or assault of a
5 31 dependent adult which involves a breach of skill, care, and
5 32 learning ordinarily exercised by a caretaker in similar
5 33 circumstances. "Assault of a dependent adult" means the
5 34 commission of any act which is generally intended to cause
5 35 pain or injury to a dependent adult, or which is generally
6 1 intended to result in physical contact which would be
6 2 considered by a reasonable person to be insulting or offensive
6 3 or any act which is intended to place another in fear of
6 4 immediate physical contact which will be painful, injurious,
6 5 insulting, or offensive, coupled with the apparent ability to
6 6 execute the act.
6 7 (b) The commission of a sexual offense under chapter 709
6 8 or section 726.2 with or against a dependent adult.
6 9 (c) Exploitation of a dependent adult. "Exploitation"
6 10 means a caretaker who knowingly obtains, uses, endeavors to
6 11 obtain to use, or who misappropriates, a dependent adult's
6 12 funds, assets, medications, or property with the intent to
6 13 temporarily or permanently deprive a dependent adult of the
6 14 use, benefit, or possession of the funds, assets, medication,
6 15 or property for the benefit of someone other than the
6 16 dependent adult.
6 17 (d) Neglect of a dependent adult. "Neglect of a dependent
6 18 adult" means the deprivation of the minimum food, shelter,
6 19 clothing, supervision, physical or mental health care, or
6 20 other care necessary to maintain a dependent adult's life or
6 21 physical or mental health.
6 22 (2) Sexual exploitation of a dependent adult by a
6 23 caretaker whether within a facility or program or at a
6 24 location outside of a facility or program. "Sexual
6 25 exploitation" means any consensual or nonconsensual sexual
6 26 conduct with a dependent adult which includes but is not
6 27 limited to kissing; touching of the clothed or unclothed
6 28 breast, groin, buttock, anus, pubes, or genitals; or a sex
6 29 act, as defined in section 702.17. "Sexual exploitation"
6 30 includes the transmission, display, taking of electronic
6 31 images of the unclothed breast, groin, buttock, anus, pubes,
6 32 or genitals of a dependent adult by a caretaker for a purpose
6 33 not related to treatment or diagnosis or as part of an ongoing
6 34 investigation. Sexual exploitation does not include touching
6 35 which is part of a necessary examination, treatment, or care
7 1 by a caretaker acting within the scope of the practice or
7 2 employment of the caretaker; the exchange of a brief touch or
7 3 hug between the dependent adult and a caretaker for the
7 4 purpose of reassurance, comfort, or casual friendship; or
7 5 touching between spouses or domestic partners in an intimate
7 6 relationship.
7 7 b. "Dependent adult abuse" does not include any of the
7 8 following:
7 9 (1) Circumstances in which the dependent adult declines
7 10 medical treatment if the dependent adult holds a belief or is
7 11 an adherent of a religion whose tenets and practices call for
7 12 reliance on spiritual means in place of reliance on medical
7 13 treatment.
7 14 (2) Circumstances in which the dependent adult's
7 15 caretaker, acting in accordance with the dependent adult's
7 16 stated or implied consent, declines medical treatment or care.
7 17 (3) The withholding or withdrawing of health care from a
7 18 dependent adult who is terminally ill in the opinion of a
7 19 licensed physician, when the withholding or withdrawing of
7 20 health care is done at the request of the dependent adult or
7 21 at the request of the dependent adult's next of kin, attorney
7 22 in fact, or guardian pursuant to the applicable procedures
7 23 under chapter 125, 144A, 144B, 222, 229, or 633.
7 24 6. "Facility" means a health care facility as defined in
7 25 section 135C.1 or a hospital as defined in section 135B.1.

7 26 7. "Intimate relationship" means a significant romantic
7 27 involvement between two persons that need not include sexual
7 28 involvement, but does not include a casual social relationship
7 29 or association in a business or professional capacity. In
7 30 determining whether persons are in an intimate relationship,
7 31 the court may consider the following nonexclusive list of
7 32 factors:

- 7 33 a. The duration of the relationship.
- 7 34 b. The frequency of interaction.
- 7 35 c. Whether the relationship has been terminated.
- 8 1 d. The nature of the relationship, characterized by either
8 2 person's expectation of sexual or romantic involvement.

8 3 8. "Person" means person as defined in section 4.1.
8 4 9. "Program" means an elder group home as defined in
8 5 section 231B.1, an assisted living program certified under
8 6 section 231C.3, or an adult day services program as defined in
8 7 section 231D.1.
8 8 10. "Recklessly" means that a person acts or fails to act
8 9 with respect to a material element of a public offense, when
8 10 the person is aware of and consciously disregards a
8 11 substantial and unjustifiable risk that the material element
8 12 exists or will result from the act or omission. The risk must
8 13 be of such a nature and degree that disregard of the risk
8 14 constitutes a gross deviation from the standard conduct that a
8 15 reasonable person would observe in the situation.
8 16 11. "Support services" includes but is not limited to
8 17 community-based services including area agency on aging
8 18 assistance, mental health services, fiscal management, home
8 19 health services, housing-related services, counseling
8 20 services, transportation services, adult day services, respite
8 21 services, legal services, and advocacy services.

8 22 Sec. 12. NEW SECTION. 235E.2 DEPENDENT ADULT ABUSE
8 23 REPORTS IN FACILITIES AND PROGRAMS.

8 24 1. a. The department shall receive and evaluate reports
8 25 of dependent adult abuse in facilities and programs. The
8 26 department shall inform the department of human services of
8 27 such evaluations and dispositions for inclusion in the central
8 28 registry for dependent adult abuse information pursuant to
8 29 section 235B.5.

8 30 b. Reports of dependent adult abuse which is the result of
8 31 the acts or omissions of the dependent adult shall be
8 32 collected and maintained in the files of the dependent adult
8 33 as assessments only and shall not be included in the central
8 34 registry.

8 35 c. A report of dependent adult abuse that meets the
9 1 definition of dependent adult abuse under section 235E.1,
9 2 subsection 5, paragraph "a", subparagraph (1), subparagraph
9 3 subdivision (a) or (d), which the department determines is
9 4 minor, isolated, and unlikely to reoccur shall be collected
9 5 and maintained by the department of human services as an
9 6 assessment only for a five-year period and shall not be
9 7 included in the central registry and shall not be considered
9 8 to be founded dependent adult abuse. A subsequent report of
9 9 dependent adult abuse that meets the definition of dependent
9 10 adult abuse under section 235E.1, subsection 5, paragraph "a",
9 11 subparagraph (1), subparagraph subdivision (a) or (d), that
9 12 occurs within the five-year period, and that is committed by
9 13 the caretaker responsible for the act or omission which was
9 14 the subject of the previous report of dependent adult abuse
9 15 which the department determined was minor, isolated, and
9 16 unlikely to reoccur, may be considered minor, isolated, and
9 17 unlikely to reoccur depending on the circumstances of the
9 18 report.

9 19 2. A staff member or employee of a facility or program
9 20 who, in the course of employment, examines, attends, counsels,
9 21 or treats a dependent adult in a facility or program and
9 22 reasonably believes the dependent adult has suffered dependent
9 23 adult abuse, shall report the suspected dependent adult abuse
9 24 to the department.

9 25 3. a. If a staff member or employee is required to make a
9 26 report pursuant to this section, the staff member or employee
9 27 shall immediately notify the person in charge or the person's
9 28 designated agent who shall then notify the department within
9 29 twenty-four hours of such notification. If the person in
9 30 charge is the alleged dependent adult abuser, the staff member
9 31 shall directly report the abuse to the department within
9 32 twenty-four hours.

9 33 b. The employer or supervisor of a person who is required
9 34 to or may make a report pursuant to this section shall not
9 35 apply a policy, work rule, or other requirement that
10 1 interferes with the person making a report of dependent adult

10 2 abuse or that results in the failure of another person to make
10 3 the report.

10 4 4. An employee of a financial institution may report
10 5 suspected financial exploitation of a dependent adult to the
10 6 department.

10 7 5. Any other person who believes that a dependent adult
10 8 has suffered dependent adult abuse may report the suspected
10 9 dependent adult abuse to the department of inspections and
10 10 appeals. The department of inspections and appeals shall
10 11 transfer any reports received of dependent adult abuse in the
10 12 community to the department of human services. The department
10 13 of human services shall transfer any reports received of
10 14 dependent adult abuse in facilities or programs to the
10 15 department of inspections and appeals.

10 16 6. The department shall inform the appropriate county
10 17 attorneys of any reports of dependent adult abuse. The
10 18 department may request information from any person believed to
10 19 have knowledge of a case of dependent adult abuse. The
10 20 person, including but not limited to a county attorney, a law
10 21 enforcement agency, a multidisciplinary team, a social
10 22 services agency in the state, or any person who is required
10 23 pursuant to subsection 2 to report dependent adult abuse,
10 24 whether or not the person made the specific dependent adult
10 25 abuse report, shall cooperate and assist in the evaluation
10 26 upon the request of the department. If the department's
10 27 assessment reveals that dependent adult abuse exists which
10 28 might constitute a criminal offense, a report shall be made to
10 29 the appropriate law enforcement agency. County attorneys and
10 30 appropriate law enforcement agencies shall also take any other
10 31 lawful action necessary or advisable for the protection of the
10 32 dependent adult.

10 33 a. If, upon completion of an investigation, the department
10 34 determines that the best interests of the dependent adult
10 35 require court action, the department shall notify the
11 1 department of human services of the potential need for a
11 2 guardian or conservator or for admission or commitment to an
11 3 appropriate institution or facility pursuant to the applicable
11 4 procedures under chapter 125, 222, 229, or 633, or shall
11 5 pursue other remedies provided by law. The appropriate county
11 6 attorney shall assist the department of human services in the
11 7 preparation of the necessary papers to initiate the action and
11 8 shall appear and represent the department of human services at
11 9 all district court proceedings.

11 10 b. Investigators within the department shall be specially
11 11 trained to investigate cases of dependent adult abuse
11 12 including but not limited to cases involving gerontological,
11 13 dementia, and wound care issues.

11 14 c. The department shall assist the court during all stages
11 15 of court proceedings involving a suspected case of dependent
11 16 adult abuse.

11 17 d. In every case involving dependent adult abuse which is
11 18 substantiated by the department and which results in a
11 19 judicial proceeding on behalf of the dependent adult, legal
11 20 counsel shall be appointed by the court to represent the
11 21 dependent adult in the proceedings. The court may also
11 22 appoint a guardian ad litem to represent the dependent adult
11 23 if necessary to protect the dependent adult's best interests.
11 24 The same attorney may be appointed to serve both as legal
11 25 counsel and as guardian ad litem. Before legal counsel or a
11 26 guardian ad litem is appointed pursuant to this paragraph, the
11 27 court shall require the dependent adult and any person legally
11 28 responsible for the support of the dependent adult to complete
11 29 under oath a detailed financial statement. If, on the basis
11 30 of that financial statement, the court deems that the
11 31 dependent adult or the legally responsible person is able to
11 32 bear all or a portion of the cost of the legal counsel or
11 33 guardian ad litem, the court shall so order. In cases where
11 34 the dependent adult or the legally responsible person is
11 35 unable to bear the cost of the legal counsel or guardian ad
12 1 litem, the expense shall be paid by the county.

12 2 7. A person participating in good faith in reporting or
12 3 cooperating with or assisting the department in evaluating a
12 4 case of dependent adult abuse has immunity from liability,
12 5 civil or criminal, which might otherwise be incurred or
12 6 imposed based upon the act of making the report or giving the
12 7 assistance. The person has the same immunity with respect to
12 8 participating in good faith in a judicial proceeding resulting
12 9 from the report, cooperation, or assistance or relating to the
12 10 subject matter of the report, cooperation, or assistance.

12 11 8. It shall be unlawful for any person or employer to
12 12 discharge, suspend, or otherwise discipline a person required

12 13 to report or voluntarily reporting an instance of suspected
12 14 dependent adult abuse pursuant to subsection 2 or 5, or
12 15 cooperating with, or assisting the department in evaluating a
12 16 case of dependent adult abuse, or participating in judicial
12 17 proceedings relating to the reporting or cooperation or
12 18 assistance based solely upon the person's reporting or
12 19 assistance relative to the instance of dependent adult abuse.
12 20 A person or employer found in violation of this subsection is
12 21 guilty of a simple misdemeanor.

12 22 9. A person required by this section to report a suspected
12 23 case of dependent adult abuse pursuant to subsection 2 who
12 24 knowingly and willfully fails to do so within twenty-four
12 25 hours commits a simple misdemeanor. A person required by
12 26 subsection 2 to report a suspected case of dependent adult
12 27 abuse who knowingly fails to do so or who knowingly interferes
12 28 with the making of such a report or applies a requirement that
12 29 results in such a failure is civilly liable for the damages
12 30 proximately caused by the failure.

12 31 10. The department shall adopt rules which require
12 32 facilities and programs to separate an alleged dependent adult
12 33 abuser from a victim following an allegation of perpetration
12 34 of dependent adult abuse and prior to the completion of an
12 35 investigation of the allegation.

13 1 11. Upon receiving notice from a credible source, the
13 2 department shall notify a facility or program that
13 3 subsequently employs a dependent adult abuser when the notice
13 4 of investigative findings has been issued. Such notification
13 5 shall occur prior to the completion of an investigation that
13 6 is founded for dependent adult abuse.

13 7 12. An inspector of the department may enter any facility
13 8 or program without a warrant and may examine all records
13 9 pertaining to residents, employees, former employees, and the
13 10 alleged dependent adult abuser. An inspector of the
13 11 department may contact or interview any resident, employee,
13 12 former employee, or any other person who might have knowledge
13 13 about the alleged dependent adult abuse. An inspector may
13 14 take or cause to be taken photographs of the dependent adult
13 15 abuse victim and the vicinity involved. The department shall
13 16 obtain consent from the dependent adult abuse victim or
13 17 guardian or other person with a power of attorney over the
13 18 dependent adult abuse victim prior to taking photographs of
13 19 the dependent adult abuse victim.

13 20 13. a. Notwithstanding section 235B.6 and chapter 22, an
13 21 employee organization or union representative may observe an
13 22 investigative interview conducted by the department of an
13 23 alleged dependent adult abuser if all of the following
13 24 conditions are met:

13 25 (1) The alleged dependent adult abuser is part of a
13 26 bargaining unit that is party to a collective bargaining
13 27 agreement under chapter 20 or any other applicable state or
13 28 federal law.

13 29 (2) The alleged dependent adult abuser requests the
13 30 presence of a union representative.

13 31 (3) The union representative maintains the confidentiality
13 32 of all information from the interview subject to the penalties
13 33 provided in section 235B.12 if such confidentiality is
13 34 breached.

13 35 b. This subsection shall only apply to interviews
14 1 conducted pursuant to this chapter. This subsection does not
14 2 apply to interviews conducted pursuant to the regulatory
14 3 activities of chapter 135B, 135C, 231B, 231C, or 231D, or any
14 4 other state or federal law.

14 5 Sec. 13. NEW SECTION. 235E.3 PREVENTION OF ADDITIONAL
14 6 DEPENDENT ADULT ABUSE == NOTIFICATION OF RIGHTS.

14 7 If a peace officer has reason to believe that dependent
14 8 adult abuse, which is criminal in nature, has occurred in a
14 9 facility or program, the officer shall use all reasonable
14 10 means to prevent further dependent adult abuse, including but
14 11 not limited to any of the following:

14 12 1. If requested, remaining on the scene as long as there
14 13 is a danger to the dependent adult's physical safety without
14 14 the presence of a peace officer, including but not limited to
14 15 staying in the facility or program, or if unable to remain at
14 16 the scene, assisting the dependent adult in leaving the
14 17 facility or program and securing support services or emergency
14 18 shelter services.

14 19 2. Assisting the dependent adult in obtaining medical
14 20 treatment necessitated by the dependent adult abuse, including
14 21 providing assistance to the dependent adult in obtaining
14 22 transportation to the emergency room of the nearest hospital.

14 23 3. Providing a dependent adult with immediate and adequate

14 24 notice of the dependent adult's rights. The notice shall
14 25 consist of handing the dependent adult a copy of the following
14 26 written statement, requesting the dependent adult to read the
14 27 card and asking the dependent adult whether the dependent
14 28 adult understands the rights:

14 29 "a. You have the right to ask the court for the following
14 30 help on a temporary basis:

14 31 (1) Keeping the alleged perpetrator away from you, your
14 32 home, your facility, and your place of work.

14 33 (2) The right to stay at your home or facility without
14 34 interference from the alleged perpetrator.

14 35 (3) Professional counseling for you, your family, or
15 1 household members, and the alleged perpetrator of the
15 2 dependent adult abuse.

15 3 b. If you are in need of medical treatment, you have
15 4 the right to request that the peace officer present assist
15 5 you in obtaining transportation to the nearest hospital
15 6 or otherwise assist you.

15 7 c. If you believe that police protection is needed
15 8 for your physical safety, you have the right to request
15 9 that the peace officer present remain at the scene until
15 10 you and other affected parties can leave or safety is
15 11 otherwise ensured."

15 12 The notice shall also contain the telephone number of the
15 13 local emergency shelter services, support services, or crisis
15 14 lines operating in the area.

15 15 Sec. 14. NEW SECTION. 235E.4 CHAPTER 235B APPLICATION.
15 16 Sections 235B.4 through 235B.20, not inconsistent with this
15 17 chapter, shall apply to this chapter.

15 18 Sec. 15. NEW SECTION. 235E.5 RULEMAKING AUTHORITY.

15 19 The department, in cooperation and consultation with the
15 20 dependent adult protective advisory council established in
15 21 section 235B.1, affected industry representatives, and
15 22 professional and consumer groups, may adopt rules pursuant to
15 23 chapter 17A to administer this chapter.

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15 27 _____
15 28 PATRICK J. MURPHY
15 29 Speaker of the House

15 30

15 31

15 32 _____
15 33 JOHN P. KIBBIE
15 34 President of the Senate

15 35 I hereby certify that this bill originated in the House and
16 1 is known as House File 2591, Eighty=second General Assembly.

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16 5 _____
16 6 MARK BRANDSGARD
16 7 Chief Clerk of the House

16 8 Approved _____, 2008

16 9

16 10

16 11 _____
16 12 CHESTER J. CULVER

16 12 Governor